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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,376	08/02/2001	Masahiko Sato	09812.0649-00000.	4275
22852	7590	08/17/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			PYZOWA, MICHAEL J	
		ART UNIT	PAPER NUMBER	
		2137		
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		08/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/920,376	SATO ET AL.	
	Examiner Michael Pyzocha	Art Unit 2137	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 February 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7,9-15 and 17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7,9-15 and 17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

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DETAILED ACTION

1. Claims 1-7, 9-15, and 17 are pending.
2. Amendment filed 10/03/2006 has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiffer (US 6871063) in view of Cotton (US 6148205) in view of Harris et al. (US 6282183) and further in view of Daly et al. (US 5875394).

As per claims 1-3, 9-11 and 17, Schiffer discloses data communicating means for performing radio communication over a first coverage area and means for performing communication over a second coverage area, comprising the steps of: switching coverage area of a radio device, prior to initiating authentication between the portable radio devices, from the

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first coverage area to the second coverage area, the second coverage area being smaller than the first coverage area (see column 3 lines 39-55 and column 2 lines 31-38 where the switching is the use of the short-range transceiver as opposed to the long-range transceiver is the switching); bringing, prior to initiating authentication between the portable radio devices, the two or more radio devices having the second coverage area to within a proximity of one another so that the coverage areas of the two or more radio devices overlap (see column 3 line 64 through column 4 line 23); and performing mutual authentication between the two or more portable radio devices by said authenticating means automatically when the coverage area of the two or more portable radio devices overlap (see column 4 lines 10-52).

Schiffer fails to disclose switching the coverage area of two or more portable radio devices and reducing the transmission output of one or both of the devices.

However, Cotton teaches such switching with reduction of transmission output (see column 2 lines 34-40 and column 6 lines 18-26).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to switch the coverage

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area of both devices by reducing the transmission of on or both of the devices.

Motivation to do so would have been to achieve a high degree of security (see Cotton column 6 lines 18-26).

As per claims 4 and 12, the modified Schiffer and Cotton system fails to disclose the use of a button to reduce the transmission output. However, Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to have an authentication button in the modified Schiffer and Cotton system. Motivation to do so would have been to allow a device to not access another device located near it.

5. Claims 5-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Cotton, Harris et al. and Daly et al. system as applied to claims 1-3, 9-11 and 17 above, and further in view of Addy (US 6288639).

As per claims 5, 6, 13, and 14, the modified Schiffer and Cotton system discloses As per claims 1-3, 9-11 and 17, Schiffer discloses data communicating means for performing radio communication over a first coverage area and means for performing communication over a second coverage area, comprising the steps of: switching coverage area of two or more radio devices, prior to initiating authentication between the portable

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radio devices, from the first coverage area to the second coverage area, the second coverage area being smaller than the first coverage area (see Schiffer column 3 lines 39-55 and column 2 lines 31-38 where the switching is the use of the short-range transceiver as opposed to the long-range transceiver is the switching); bringing, prior to initiating authentication between the portable radio devices, the two or more radio devices having the second coverage area to within a proximity of one another so that the coverage areas of the two or more radio devices overlap (see Schiffer column 3 line 64 through column 4 line 23); and performing mutual authentication between the two or more portable radio devices by said authenticating means automatically when the coverage area of the two or more portable radio devices overlap (see Schiffer column 4 lines 10-52).

The modified Schiffer and Cotton system fails to disclose reducing the reception sensitivity.

However, Addy teaches reducing the reception sensitivity (see column 2 lines 58-64).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to reduce the reception sensitivity in the modified Schiffer and Cotton.

Motivation to do so would have been to ensure there is adequate signal margin so that if the radio environment changes

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during normal operation, the messages have sufficient signal strength to be received by the wireless remote device in this changed, adverse condition (see Addy column 1 line 62 through column 2 line 4).

As per claims 7 and 15, the modified Schiffer, Cotton, and Addy system fails to disclose the use of a button to reduce the transmission output. However, Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to have an authentication button in the modified Schiffer, Cotton, and Addy system. Motivation to do so would have been to allow a device to not access another device located near it.

Response to Arguments

6. Applicant's arguments with respect to claims 1-7, 9-15, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP


EMMANUEL L. MOISE
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